APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,755	04/21/2000	Devin F. Hosea	60136.0097USU1	9034

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EXAMINER
BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
06/30/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	09/558,755	HOSEA ET AL.
	Examiner	Art Unit
	Andre Boyce	3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>09 June 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>64-94 and 109</u>.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Andre Boyce/
Primary Examiner, Art Unit 3623

Continuation of 5. Applicant's reply has overcome the following rejection(s): Rejection to claims 64-109 under 35 U.S.C. 112, first paragraph, and the rejection to claims 95-108 under 35 U.S.C. 101.

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner respectfully disagrees with Applicant's assertion that Roth, Armbruster and Bull, alone or in combination, fail to disclose, teach or suggest the invention as defined in new independent claims 64, 80 and 109.

Roth et al disclose a method of profiling a Web user (via view-opportunity/view-op, see column 2, lines 11-14), comprising: anonymously capturing packets identified as being associated with Web page requests anonymously (i.e., IP data about a viewer, column 8, lines 20-28), determining a user ID associated with the client correlated with the extracted IP address (i.e., IP data about the user is presented to the system at view-op time, column 8, lines 20-28); for each client correlated with the extracted IP address, storing the URL of the requested Web page and the user ID associated with the client correlated with the extracted IP address (i.e., IP data about the user is presented to the system at view-op time, column 8, lines 20-28, and viewer history data, including historical data about a unique viewer, column 8, lines 65-67 and database of viewer information 16B, figure 1), and developing a user profile the user ID, based on the extracted URLs associated with Web pages requested by a client having the user IDs (i.e., updating of viewer history data, column 8, lines 65-67 and column 9, lines 1-4), and cross referencing Web site profiles (i.e., web site demographic data, column 9, lines 13-14) with the extracted URLs associated with Web pages requested by a client having the user ID to generate an updated user profile (i.e., IP data about the user is presented to the system at view-op time, column 8, lines 20-28, and viewer history data, including historical data about a unique viewer, column 8, lines 65-67 and database of viewer information 16B, figure 1).

Roth et al does not explicitly disclose monitoring packets at an Internet Service Provider (ISP) point of presence (POP); identifying monitored packets associated with Web page requests; capturing, at an Internet Service Provider (ISP) point of presence (POP), packets associated with Web page requests; extracting, at the ISP POP, an IP address associated with the Web page request and a Uniform Resource Locator (URL) of the requested Web page; processing the extracted IP address to correlate the extracted IP address with a client using a cross-reference table at the ISP POP; associating each extracted URL with a client making the Web page request, and generating an updated user profile, at the ISP POP.

Armbruster et al disclose the content provider can now control and monitor access to its site (column 2, lines 66-67), including a daemon 15 that monitors which files are being uploaded (column 5, lines 13-14). Moreover, Armbruster et al disclose all packets are forwarded to Ethernet port 1/4 in the ISP 8 and subsequently to the local cache server, wherein the client's browser via the DNS (Domain Name Server) 20 and, using UTP, resolves and returns the IP address of www.cp3.com. Once returned, a TCP connection is set up in the usual way through the Internet 9 and all IP packets are routed, by the ISP router 17, in a standard fashion to the client 16 from the content provider 12 (column 5, lines 56-67). Armbruster et al also disclose a cache located at an ISP's point-of-presence (column 3, lines 34-36), wherein the ISP includes a local caching complex 10, consisting of servers and storage devices for identifying and storing cacheable web pages, filtering software, and web sites (column 3, lines 59-64), including the URLs associated with the cached items (column 4, lines 45-49), and forwarding packets to the ISP local cache (column 5, lines 56-60).

Neither Roth et al nor Armbruster et al disclose generating an updated user profile, based on inferred user demographics of the Web sites requested by the client having the user ID. Bull et al discloses the user's web viewing patterns monitored and matched against software text agents to match a profile (see column 15, lines 14-19), including user demographics.

As such, Roth et al, Armbruster et al and Bull et al, in combination, indeed teach Applicant's claimed limitations.